

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JEFFERY LYNN KREIDLER,
PLAINTIFF,

*

ER-01-21A B 34

CASE NO#2:07-CV-263-WKW

V.

*

WARDEN WILLIE THOMAS,
DEFENDANT.

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MOTION FOR RESPONSE TO THE SPECIAL REPORT FILED BY
THE DEFENDANT

Comes now the Plaintiff Jeffery Lynn Kreidler pro se serving
a custodial term with the Department of Corrections, filed a
Civil Complaint Pursuant to U.S.C.s 1983;

The Plaintiff confirms that the Defendants violated his right
to be free of Cruel and Unusual Punishment as prohibited by
the Eight and Fourteenth Amendments.

STATEMENT OF FACTS

On March 9, 2007 inmate Jeffery Lynn Kreidler was housed in Dorm B-1 at Elmore Co. Facility. While making his bed, the Plaintiff turned around toward the window at the head of his bed with no safety locks fell down on Plaintiff's right ring finger, and cut the Plaintiff's finger off, then Plaintiff had to be taken to Staton Co. Facility Infirmary and later flighted to Baptist South Hospital to sew the remains of Plaintiff's finger on with (10) Ten Stitches that left Plaintiff with no filling in Plaintiff's right ring finger because of destroyed Ligaments in finger.

ARGUMENT

The Defendant Willie Thomas an Individual and in his official Capacity as Warden of Elmore Co. Facility acted in negligence and in Bad Faith when the Defendant violated Plaintiff's Constitutional right of Cruel & Unusual Punishment and prohibited by the Eighth & Fourteenth Amendment. See *Wood v. Strickland* 420 U.S. 308 95 S.Ct. 992, 43 L.Ed. 2d 214 (1975); "The Supreme Court held that under section 1983, Plaintiff can recover Money damages from State Officials, if the Officials acted either in Bad Faith or in disregard of settled, indisputable Law, or a Public Official may be held liable where he in subjective good faith, acts in disregard of a person's clearly established Constitutional rights". *Id.* at 322 95 S.Ct. 992, *Martin v. Harrelson* 532 So.2d 1256 (1988).

Defendant failed to comply with Minimum standards set forth in Order of Court with respect to Inhumane Conditions found to exist in Alabama Penal System would necessitate closing of such institutions in future 42 U.S. C.A. s 1983 U.S.C.A. Constitution Amendments Eight & Fourteenth. The Living Conditions in Alabama Constitute Cruel & Unusual Punishment. See Pugh v. Locke 406 F.Supp.318.

The Minimum Standards For Inmates of Alabama Penal System Living Conditions IV. (4) All institutions shall be adequately heated, lighted, and ventilated. Windows and doors shall be properly screened and otherwise properly maintained.

The Defendant Willie Thomas has had prior knowledge of the ongoing inhumane condition here at Elmore Co. Facility, but refuse to rectify the problem and it's caused inmate Jeffery Lynn Kreidler & inmate Rochester Kemp to lose a limb arising from the same ongoing problems with the windows repair and several other inmates have been injured because of this condition.

The maintenance workers here at Elmore Co. Facility got an order to fix the windows in 2006, but the acting official Warden Willie Thomas refuse to acknowledge the problem out of negligence. See Exhibit (4) Affidavit; When the weather conditions are bad here at Elmore Co. Facility the whole window pane will fall out, with the slightest gust of wind, there's no support in the reinforcement, the dilapidation of the physical facility contributes to extremely unsanitary living conditions testimony demonstrated that windows are broken & unscreened, creating a serious problem for inmates getting fingers cut off, or severely damaged, poses constant danger, and the defendant Willie Thomas is held liable in his official capacity.

RELIEF

The Plaintiff Jeffery Lynn Kreidler seeks Compensatory and Punitive damages in this action. \$ 5,000 five-thousand dollars for the initial injury of the finger, and \$ 45,000 forty-five thousand dollars for the Pain and Suffering, and permanent disfigurement & disability and living in the inhumane conditions here at Elmore Correctional Center. The Plaintiff is a certified Carpenter by Trade and his Injury will hinder his ability to work and Provide for his wife and two (2) kids in whom are his dependants.

CONCLUSION

The Plaintiff respectfully submit this Response, and that all evidence in this Civil Complaint should be relevant to the Court, and should be granted in the Plaintiffs favor.

Sworn and subscribed before me this 28 day of June 2007.

Jeffery Kreidler
JEFFERY LYNN KREIDLER

Arthur [Signature]
NOTARY

MY COMMISSION EXPIRES: 2/12/2011

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing has been served to the Clerk of the United States District Court, Middle District of Alabama, and the Attorney General office Troy King 11 South Union Street this 29 day of June 2007, Postage prepaid in the U.S. Mail.



JEFFERY LYNN KREIDLER PRO SE
ELMORE CORRECTIONAL CENTER

P.O. BOX 8

ELMORE, ALABAMA 36025

Jeffery Lynn Kreidler #227770
Elmore Corr. Center
P.O. Box 8
Elmore, AL 36025

Middle District of Alabama
Office of Clerk
UNITED STATES District
P.O. Box 711
Montgomery, Alabama



State of Alabama
County of Montgomery

AFFIDAVIT

JEFFERY KREIDLER, AIS: #227770, deposes and says:

I, am Jeffery Kreidler and I am over the legal age of (21) Twenty-One, and everything that I documented on this Civil Complaint is true and Correct.

(EXHIBIT #1)

This is the end of my affidavit.

Jeffrey Kreidler

Signature of Affiant

Sworn to and subscribed before me this the 28 day of June, 2007.

Arthur F. [Signature]

Notary

My commission expires: 2/12/2011.

STATE OF ALABAMA
COUNTY OF MONTGOMERY

AFFIDAVIT

MATTHEW RUST, AIS# 246868 deposes and says:

I inmate Matthew Rust is over the legal age of (21) Twenty-one and I sleep in the same vicinity where inmate Jeffery Kreidler got his finger cut off, and the unhumane conditions are so bad that we have to use sticks to hold the windows up to keep from falling on us by the dormitories being so over-crowded and the beds close to the windows, when the windows are suppose to be secured from incidents happening like what has been taking place here at Elmore Corr.Center. Everything that I am saying is True and Correct.

(EXHIBIT # 2)

This is the end of my affidavit.

Matthew Woodfin Rust
SIGNATURE OF AFFIANT

Sworn to and before me this 29th day of JUNE 2007.

Lelise Blandy
NOTARY

MY COMMISSION EXPIRES 1/30/2011.

STATE OF ALABAMA

COUNTY OF MONTGOMERY

AFFIDAVIT

JONATHAN JONES, AIS# 178814 deposes and says:

I am inmate Jonathan Jones#178814 and on March 9, 2007 when inmate Jeffery Kreidler finger was disfigured due to the defectiveness of the windows in the dorms, I witnessed the incident, because I sleep in the vicinity where it occurred and inmates have to use sticks, and other objects to prevent the windows from injuring them, and when the weather is bad or the wind is blowing hard, the whole window pane will blow off the frame. And I attest that everything I am saying is True and Correct.

I am over the Legal age of (21) Twenty-One.

(EXHIBIT #3)

This is the end of my affidavit.

Jonathan Jones
Signature of Affiant

Sworn to and subscribed before me this the 28 day of June, 2007.

Cuthbert Tate
NOTARY

My Commission expires: 2/12/2011.

AFFIDAVIT

Billy Brown AIS# 152757 deposes and says:

I inmate Billy Brown is over the Legal age of (21) Twenty-One, and I work for the Maintenance Department here at Elmore Corr. Facility from September 2006 up until May 2007. Our Job on the Maintenance Department was to fix everything in and everything around the institution. We had knowledge of the broken Windows but never Got around to fix them, up until the incidents where (2) inmates Got their fingers cut off.

Everything I am saying is true and Correct.

This is the end of my Affidavit.

Billy Brown
SIGNATURE OF AFFIANT

Sworn to and Subscribed before me this 29 day of June 2007.

Terrie Blaney
NOTARY

My Commision Expires 11/30/2011